

AMENDMENTS TO THE DRAWINGS

The attached Replacement Sheet includes a change to Fig. 3. Reference number "35" has been added to Fig. 3. Please replace the original drawing sheet with the Replacement Sheet attached hereto. No new matter has been added to the application. Approval of the drawing sheet is respectfully requested.

REMARKS

After entry of this Amendment, the pending claims are claims 1, 4-7, 9-17, 19, 21, 23, 25-36, 40, 41, 44-50, 52-58, of which claims 1, 31 and 52 are in independent form. New claims 52-58 have been added. Claims 1, 4, 7, 21, 23, 25, 31, 36 and 41 have been amended. Claims 2, 3, 8, 18, 20, 22, 24, 37-39, 42, 43 and 51 have been canceled.

Information Disclosure Statement

On October 2, 2003 and September 10, 2004, Applicant submitted an Information Disclosure Statement under 37 C.F.R. §§ 1.97 and 1.98 along with a List of References Cited. In the Examiner's comments on the Information Disclosure Statement, the Examiner only refers to the September 10, 2004 submission and returned an initialed copy of the List of References Cited from the September 10, 2004 submission. It does not appear that the Examiner considered the October 2, 2003 submission.

Applicant respectfully requests that the Examiner acknowledge receipt and consideration of the List of References Cited in the October 2, 2003 submission. If the Examiner determines that any reference(s) cited in the October 2, 2003 submission affects patentability, the Applicant respectfully requests that the Examiner issue any subsequent Office Action as a Non-Final Office Action.

Objection to the Drawings

The Examiner objected to the drawings under 37 C.F.R. 1.83(a) because the drawings failed to show the "cavity portion 35" as described in the specification. Fig. 3 has been amended to show reference number 35 (Exhibit A). Support for the addition of the reference number 35 is found at least on page 8, line 29 of the specification as originally filed. Thus, no new matter has been added. Applicant respectfully requests that the objection to the drawings be withdrawn.

Rejection - 35 U.S.C. §102(b)

Claims 1-4 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,984,865 to Farley et al. (“the Farley ‘865 patent”). Claims 1 and 19-21 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,562,832 to Wilder et al. (“the Wilder ‘832 patent”). Claims 1, 14-20 and 22-27 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,905,670 to Adair (“the Adair ‘670 patent”). Applicant has amended claim 1 to more clearly define Applicant’s invention. Claim 1 now recites a “first coupling mechanism comprises a rotatable knob having a bore . . . wherein the blade member comprises a coupling element, . . . configured and dimensioned to be received in the bore of the knob.” Claims 2, 3, 18, 20, 22 and 24 have been canceled. Accordingly, the rejection of claims 2, 3, 18, 20, 22 and 24 is moot.

Applicant respectfully submits that the neither the Farley ‘865 patent, the Wilder ‘832 patent nor the Adair ‘670 patent discloses, teaches or suggests all of the limitations of claim 1. Specifically, there is no disclosure, teaching or suggestion in the Farley ‘865 patent, the Wilder ‘832 patent or the Adair ‘670 patent of a coupling mechanism having a rotatable knob with a bore as well as a blade member with a coupling element which is receiving in the bore.

As all the features recited in independent claim 1, as amended, are not disclosed, taught or suggested by the Farley ‘865 patent, the Wilder ‘832 patent or the Adair ‘670 patent, Applicant submits that claim 1 is allowable over the Farley ‘865 patent, the Wilder ‘832 patent and the Adair ‘670 patent. Dependent claims 4-7, 9-17, 19, 21, 23, 25-30 depend from independent claim 1 and are allowable for at least the same reasons as discussed above in connection with claim 1.

Rejection - 35 U.S.C. §103(a)

Claim 5 was rejected under 35 U.S.C. §103(a) as being unpatentable over the Farley '865 patent in view of U.S. Patent No. 5,944,735 to Taylor et al. ("the Taylor '735 patent"). Claims 6, 28 and 29 were rejected under 35 U.S.C. §103(a) as being unpatentable over the Farley '865 patent. Claims 7-13 were rejected under 35 U.S.C. §103(a) as being unpatentable over the Farley '865 patent in view of U.S. Patent No. 5,558,622 to Greenberg ("the Greenberg '622 patent"). Claim 30 was rejected under 35 U.S.C. §103(a) as being unpatentable over the Farley '865 patent in view of U.S. Patent No. 6,228,025 to Hipps et al. ("the Hipps '025 patent"). Claim 8 has been canceled. Accordingly, the rejection of claim 8 is moot.

The Taylor '735 patent, the Greenberg '622 patent and the Hipps '025 patent do not remedy the deficiencies of the Farley '865 patent. Neither the Taylor '735 patent, the Greenberg '622 patent nor the Hipps '025 patent discloses, teaches or suggests a coupling mechanism having a rotatable knob with a bore as well as a blade member with a coupling element which is receiving in the bore. Applicant submits that, because claims 5-7, 9-13 and 28-30 define more particular aspects of Applicant's invention as well as including the features of amended claim 1, they are also patentably distinguishable over the Farley '865 patent or the Farley '865 patent in view of the Taylor '735 patent, the Greenberg '622 patent or the Hipps '025 patent for at least the same reasons as identified with respect to amended claim 1.

Claims 31-37, 39-42, 44-47 and 49-51 were rejected under 35 U.S.C. §103(a) as being unpatentable over the Farley '865 patent in view of the Greenberg '622 patent, and further in view of the Adair '670 patent. Claims 38, 43 and 48 were rejected under 35 U.S.C. §103(a) as being unpatentable over the Farley '865 patent in view of the Greenberg '622 patent, and further

in view of the Adair '670 patent, and further in view of Swaniger.¹ Applicant has amended claim 31 to more clearly define Applicant's invention. Claim 31 now recites a method which including providing a surgical retractor which comprises a "first coupling mechanism comprises a rotatable knob having a bore . . . wherein the blade member comprises a coupling element, . . . configured and dimensioned to be received in the bore of the knob." Claims 37-39, 42, 43 and 51 have been canceled. Accordingly, the rejection of claims 37-39, 42, 43 and 51 is moot.

Applicant respectfully submits that the neither the Farley '865 patent, the Greenberg '622 patent nor the Adair '670 patent discloses, teaches or suggests all of the limitations of claim 31. Specifically, there is no disclosure, teaching or suggestion in the Farley '865 patent, the Greenberg '622 patent or the Adair '670 patent of a coupling mechanism having a rotatable knob with a bore as well as a blade member with a coupling element which is received in the bore.

As all the features recited in independent claim 31, as amended, are not disclosed, taught or suggested by the Farley '865 patent, the Greenberg '622 patent or the Adair '670 patent, Applicant submits that claim 31 is allowable over the Farley '865 patent, the Greenberg '622 patent and the Adair '670 patent. Dependent claims 32-36, 40, 41 and 44-50 depend from independent claim 31 and are allowable for at least the same reasons as discussed above in connection with claim 31.

New Claims 52-58

New claims 52-58 have been added. No new matter has been added as the new claims are supported by the specification as originally filed.

¹ The Examiner did not provide a patent number or otherwise identify the Swaniger reference. Accordingly, Applicant is unable to appreciate or consider the Swaniger reference until such time as the Examiner identifies the reference.

Claims 52 recites “a handle having . . . an opening” and “a first coupling mechanism . . . [and] a second coupling mechanism . . . having a through-hole and at least a portion which is axially moveable within the opening of the handle, wherein the through-hole of the second coupling mechanism is sized and configured to receive a surgical instrument” Neither the Farley ‘865 patent, the Wilder ‘832 patent, the Adair ‘670 patent, the Taylor ‘735 patent, the Greenberg ‘622 patent nor the Hipps ‘025 patent discloses, teaches or suggests all of the limitations of claim 52. Specifically, there is no disclosure, teaching or suggestion in the Farley ‘865 patent, the Wilder ‘832 patent, the Adair ‘670 patent, the Taylor ‘735 patent, the Greenberg ‘622 patent or the Hipps ‘025 patent of a first and second coupling mechanism, wherein the second coupling mechanism has a through-hole for receiving a surgical instrument and at least a portion of which is axially moveable within an opening of the handle.

As all the features recited in independent claim 52 are not disclosed, taught or suggested by the Farley ‘865 patent, the Wilder ‘832 patent, the Adair ‘670 patent, the Taylor ‘735 patent, the Greenberg ‘622 patent or the Hipps ‘025 patent, Applicant submits that claim 52 is allowable over the Farley ‘865 patent, the Wilder ‘832 patent, the Adair ‘670 patent, the Taylor ‘735 patent, the Greenberg ‘622 patent and the Hipps ‘025 patent. Dependent claims 53-58 depend from independent claim 52 and are allowable for at least the same reasons as discussed above in connection with claim 52.

Canceled and Amended Claims

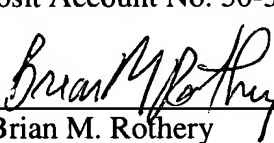
Claims 8, 18, 20, 22, 24, 37-39, 42, 43 and 51 have been canceled, without prejudice, in order to reduce the number of claims and, thus, reduce the cost associated with the application in view of the newly added claims. Accordingly, claims 8, 18, 20, 22, 24, 37-39, 42, 43 and 51 have been canceled for reasons unrelated to patentability. Claims 4, 7, 21, 23, 25, 36 and 41

have been amended in order to correct the dependency of the claims, to correct grammatical errors or to incorporate language from the canceled claims to reduce the cost associated with the application. Therefore, claims 4, 7, 21, 23, 25, 36 and 41 have been amended for reasons unrelated to patentability.

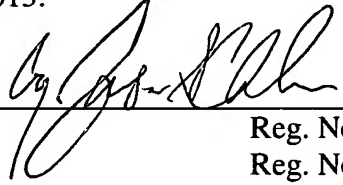
In light of Applicant's amendments and remarks, a notice of allowance is respectfully requested. Should the examiner have any questions or concerns regarding this amendment or the above-identified application, then a telephonic interview with the undersigned is respectfully requested to discuss any such questions or concerns and to accelerate the allowance of the above-identified application.

No fee is believed to be due for this submission. Should any fees be required, however, please charge such fees to Jones Day Deposit Account No. 50-3013.

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